

**KRASNER
&
LONG** TRIAL
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FILED

JUL 19 2015

LORELE KONG, Clerk
By _____ Dep. Clerk

July 17, 2015

The Honorable Paul S. Diamond
Chambers
United States Courthouse
Suite 6613
601 Market Street
Philadelphia, PA 19106-1797

Advance courtesy copy sent via fax to 267.299.5069

Re: McGill v. Liciardello, et al.
No. 12-5690 *and related cases*

Dear Judge Diamond:

I hope this finds you well. I write to advise the Court that counsel for the plaintiffs, the individual defendant officers, and the City of Philadelphia have chosen the following as potential bellwether cases, which we respectfully request be taken out of suspense. The parties are collectively requesting that 12 cases be taken out of suspense. We suggest that discovery be conducted on each, and during or at the end of the discovery period, the parties narrow the cases down to six for trial.

- 1) Westcott v. City of Philadelphia, *et al.*, 15-2964
- 2) Hintz v. City of Philadelphia, *et al.*, 15-1022
- 3) Flowers v. City of Philadelphia, *et al.*, 14-6356 (Plaintiff Patrina Mitchell only)
- 4) Torain v. City of Philadelphia, *et al.*, 14-1643
- 5) Layre v. City of Philadelphia, *et al.*, 13-1471
- 6) Guyon, *et al.* v. City of Philadelphia, *et al.*, 14-5834
- 7) Rollins v. Liciardello, *et al.*, 14-6836
- 8) Monroe v. Liciardello, *et al.*, 14-1752
- 9) Mills v. City of Philadelphia, *et al.*, 14-593
- 10) McIntyre v. Liciardello, *et al.*, 13-2773
- 11) Mills v. City of Philadelphia, *et al.*, 13-6184
- 12) Basara v. City of Philadelphia, *et al.*, 13-3583

Kindly note that cases 5, 10, and 12 are each plaintiffs from an incident in which each was arrested at the same scene on the same allegations. Accordingly, while the parties are requesting that twelve cases be taken out of suspense for discovery purposes, there are ten "incidents" comprising those twelve cases.

The parties recognize that we were ordered to mutually decide on six bellwether cases; we have chosen additional cases because we are cognizant that numerous issues may arise during the course of litigation that could cause us to rethink any individual case might not be representative of the bellwether criteria that we have discussed and utilized to select the aforementioned matters. We understand this model is common when a bellwether case approach is employed.

In the event that the Court wishes to further discuss this matter with counsel, we await further direction.

The parties appreciate the Court's consideration of our proposal. Please do not hesitate to contact me directly with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Lloyd Long III". The signature is stylized with a large "L" and "L" and "III" at the end.

Lloyd Long III, Esq.

cc: Armando Brigandi, Esq. (via email)
Joseph Santarone, Esq. (via email)
Alexandra Tucker, Esq. (via email)